

**Notice of Allowability**

Application No.

09/380,419

Examiner

Juliet C. Switzer

Applicant(s)

ROTHSCHILD ET AL.

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after-final amendment 1/16/04; interview 2/3/04.
2. ☒ The allowed claim(s) is/are 1, 2, 7-11 and 33-36.
3. ☒ The drawings filed on 22 May 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)  
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 8/12/02  
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material  
5. ☐ Notice of Informal Patent Application (PTO-152)  
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 0204  
7. ☒ Examiner's Amendment/Comment  
8. ☐ Examiner's Statement of Reasons for Allowance  
9. ☐ Other \_\_\_\_\_

  
JEFFREY FREDMAN  
PRIMARY EXAMINER

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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tonya Brady on 2/3/04.

The application has been amended as follows:

In claim 2, the word ---primer--- was inserted after the word "reverse."

In claim 8, the word ---and--- was inserted in front of the phrase "temperature gradient," and the phrase ", and the use of linked genetic markers" was deleted from the claim.

Claim 33 was replaced with the following claim:

Claim 33. A method of identifying a pig which possesses an allele of a polymorphism at the codon encoding amino acid 298 of the melanocortin-4-receptor protein, said amino acid being in the seventh transmembrane domain of the protein, said method comprising:

obtaining a nucleic acid sample from a pig and

identifying the encoded amino acid within the translated MC4R protein,

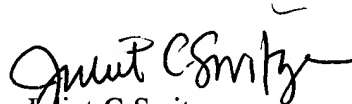
wherein an encoded aspartic acid at amino acid 298 identifies leanness and lower feed intake than pigs with an encoded asparagine at amino acid 298 and an encoded asparagine at amino acid 298 identifies a faster rate of gain than pigs with an encoded aspartic acid at position 298 of the MC4R protein.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliet C Switzer whose telephone number is (571) 272-0753. The examiner can normally be reached on Monday through Friday, from 9:00 AM until 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached by calling (571) 272-0782.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-0507.

  
Juliet C Switzer  
Examiner  
Art Unit 1634

February 3, 2004

  
JEFFREY FREDMAN  
PRIMARY EXAMINER